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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 FIDEL TAFOYA,

12 Petitioner,

13 v.

14 DAVID HOLBROOK, Warden,

15 Respondent.
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Case No. 1:22-cv-00932-AWI-CDB (HC)

ORDER (1) GRANTING UNOPPOSED
MOTION TO EXPAND RECORD AND
UNSEAL ADDITIONAL PORTION OF
STATE COURT *MARSDEN* HEARING
TRANSCRIPT, AND (2) EXTENDING
TIME TO RESPOND TO ANSWER

(ECF No. 16).

18 Petitioner Fidel Tafoya (“Petitioner”) is a represented state prisoner proceeding with a
19 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1). On October 11,
20 2022, Respondent David Holbrook (“Respondent”) filed documents in support of his answer to
21 petition for writ of habeas corpus. (ECF No. 13). On October 24, 2022, Respondent filed an
22 answer to the petition for writ of habeas corpus. (ECF No. 15).

23 On November 15, 2022, Petitioner filed an unopposed motion to unseal additional portions
24 of a *Marsden* hearing transcript, and to expand the record to include that material. (ECF No. 16).
25 Specifically, Petitioner moves to unseal an additional 16 pages (pages 16-30 and page 36) of the
26 hearing transcript. *Id.*

27 Pursuant to Rule 5 and 7 of the Rules Governing § 2254 Cases, the Court may order the
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1 furnishing of additional portions of transcripts and may direct the parties to expand the record.

2 Upon consideration of Petitioner’s motion, the lack of opposition thereto, and for good
3 cause shown, IT IS HEREBY ORDERED that:

- 4 1. Petitioner’s unopposed motion to expand record and unseal additional portion of state
5 court *Marsden* hearing transcript is GRANTED;
- 6 2. Pages 16-30, and page 36 of Petitioner’s state court *Marsden* hearing transcript shall
7 be unsealed and Respondent shall lodge the pages at issue with the Court; and
- 8 3. Petitioner shall have until November 23, 2022, to file a reply to Respondent’s answer.

9 IT IS SO ORDERED.

10 Dated: November 16, 2022



UNITED STATES MAGISTRATE JUDGE